

TEMPORARY

72650-T

SECOND AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office APR 27 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 15 2005

The applicant **Kim W. and Susan L. McCreary** hereby makes application for permission to change the **Place of use and manner of use of a small portion** of water heretofore appropriated under **United States of America vs. Orr Ditch Co. in Equity No. A-3, Claim No. 3; United States of America vs. Alpine Land and Reservoir Co., No D-183 BRT; both in the Federal District Court of Nevada.**

1. The source of water is **Truckee and Carson River**
2. The amount of water to be changed **2.03 acre feet/ .68 acres/ See attached map.**
3. The water to be used for **commercial / dust control for const. of subdivision.**
4. The water heretofore permitted for **irrigation as decreed.**
5. The water is to be diverted at the following point as **decreed Lahontan Dam within SW¼ SE¼. Section 33. T. 19N. . R. 26, . M.DB&M.**
6. The existing permitted point of diversion is located within **same as #5. as decreed.**
7. Proposed place of use **APN 08-173-90, A portion of Section 20 T. 19n. , R. 28E., M.D.B.M.**
8. Existing place of use **as decreed, see attached map. NW¼ SE¼ Sect. 10. T. 18N., R. 28. E., M.D.B.M. TCID Serial III**
0.68 Ac removed from Irrigation
9. Use will be from **Jan. 1st 2005 to Dec.31st 2005** of each year.
10. Use was permitted from **Jan. 1st 2005 to Dec.31st 2005** of each year.
11. Description of proposed works **By means of a water stand to fill water pipes from irrigation ditch.**
12. Estimated cost of works: **\$2,000.⁰⁰**
13. Estimated time required to construct works **immediately through irrigation season 2005.**
14. Estimated time required to complete the application of water to beneficial use **immediately**

15. Remarks:

By Kim W. & Susan McCreary
s/ Kim W. McCreary & Susan McCreary
3505 Pflum Ln.
Fallon NV 89406

Compared hcm/gkl dl/gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the manner of use and place of use of a portion of the Newlands Reclamation Project rights in the Truckee and Carson River Final Decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **November 15, 2006** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.03 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A - Temporary

Proof of completion of work shall be filed on or before:

N/A - Temporary

Water must be placed to beneficial use on or before:

N/A - Temporary

Proof of the application of water to beneficial use shall be filed on or before:

N/A - Temporary

Map in support of proof of beneficial use shall be filed on or before:

N/A - Temporary

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 2nd day of February, A.D. 2006


State Engineer